



Dan Skopec
Acting Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

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May 25, 2006

Christian Hahn, Deputy Fire Marshal
Santa Barbara County Fire Department
4410 Cathedral Oaks Road
Santa Barbara, California 93110

Deputy Fire Marshal Hahn:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services and the Department of Toxic Substances Control conducted a program evaluation of the Santa Barbara County Fire Department Certified Unified Program Agency (CUPA) on June 9 and 10, 2005. The evaluation consisted of a review of program elements, an in-office program review and field inspections. Following the evaluation, the state evaluators completed an Evaluation Summary of Findings, which was reviewed with your agency's program management.

The evaluation summary of findings includes identified deficiencies, corrective action to be taken and timeframes for correction of identified deficiencies. Two additional evaluation documents completed during the evaluation are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

I have reviewed the enclosed copy of the Evaluation Summary of Findings and I find that program performance is satisfactory with some improvement needed. To update our files on your progress toward correcting the identified deficiencies, please provide a status report, using the attached format. Please email the completed status report to Mr. Kareem Taylor at kareemt@calepa.ca.gov by June 26, 2006.

Cal/EPA also noted during this evaluation that Santa Barbara County Fire Department has worked to bring about a number of local program innovations, including the development of an outstanding Outreach Program. The CUPA has developed an informative website for the Unified Program, which includes mandated forms and other guidance materials to assess regulated business compliance. The CUPA publishes a newsletter quarterly that includes timely notification on upcoming due dates and articles to help the public and regulated businesses better understand the hazardous materials and waste program requirements. The CUPA has also conducted several workshops to help educate regulated businesses, including UST Program workshops, auto shop Pollution Prevention workshops, and universal/e-waste presentations. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program website to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures

cc: Ms. Ann Marie Neilson, Hazardous Materials Supervisor (Sent Via Email)
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Mr. John Paine (Sent Via Email)
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Deficiencies and Corrective Actions

1. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

2. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

3. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

4. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

5. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

6. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here



STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY



Alan C. Lloyd, Ph.D.
Agency Secretary

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION
SUMMARY OF FINDINGS

Arnold
Schwarzenegger
Governor

CUPA: Santa Barbara County Fire Department

Evaluation Dates: June 9-10, 2005

EVALUATION TEAM

Cal/EPA: John Paine
OES: Brian Abeel
DTSC: Mark Pear

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to John Paine at (916) 327-5092.

	<u>Deficiency</u>	<u>Preliminary Corrective Action & Timeframe</u>
1	The CUPA is not meeting the inspection frequency for the CalARP and Hazardous Waste Generator Programs, which is primarily the result of their efforts and resource requirements for the UST inspections and other UST Program activities. A review of the FY 01/02, 02/03, and 03/04 Inspection Summary Report 3 and the FY 02/03 and 03/04 CUPA Self-Audit Reports indicates that the CUPA has conducted approximately 10% of the CalARP stationary sources and 20-30% of HWG regulated businesses during each of the past 3 fiscal years.	By December 15, 2005, the CUPA shall develop a mechanism to ensure that all stationary sources and generators within their jurisdiction are inspected at least every three years.
2	The CUPA's UST Permit does not a list of all the permit conditions, It is missing two required permit conditions, including a condition that the owner and operator are subject to all applicable requirements of Chapter 6.7 and 6.75 of the California Health and Safety Code and these regulations and a statement that facility monitoring, response, and plot plans are to be maintained on site.	The CUPA will amend their permit to include these conditions as the permits are renewed.
3	The Area Plan is missing the following two required elements: (1) Monitoring and decontamination	The CUPA will update the Area Plan, incorporating all the missing elements, and forward a copy of the revised plan to the

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	guidelines for emergency response personnel and equipment and (2) Provisions for access to state approved and permitted hazardous waste disposal facilities and emergency response contractors. The Area Plan was last updated in September 2003. The Santa Barbara County OES is the primary county agency responsible for the development and maintenance of the County's Area Plan.	evaluation team leader within 6 months (December 15, 2005).
4	The CUPA's annual Business Plan inventory "no change" certification form does not contain all the required statements. The form is missing the following three statements, which the business signs and attests to: (1) The information contained in the hazardous materials inventory most recently submitted to the CUPA is complete, accurate, and up to date, (2) There has been no change in the quantity of hazardous materials reported in the most recently submitted inventory, (3) No hazardous materials subject to inventory requirements are being handled that are not listed on the most recently submitted inventory.	By July 15, 2005, the CUPA will revise their annual inventory "no change" certification form to include the missing statements.
5	The CUPA is not ensuring that businesses with minor violations return to compliance within 30 days from the date of notice to comply. Based on a review of the hard copy files, only approximately 20 % of the businesses regulated by the Business Plan Program submit return to compliance certification, certifying that the violations have been corrected. A HWG example is the 01/18/05 inspection conducted at the Raytheon Corporation where the following violation was cited: 1) Provide manifests for disposal of hazardous waste for life of facility by 01/28/05. No date of correction was noted either in a re-inspection report or in a Return to Compliance Certificate. Another HWG example is the 07/31/02 inspection conducted at the Okonite Company where the following violations were cited: 1) Label and date all hazardous waste containers including satellite containers-keep all wastes containers tightly secured and closed when not adding or removing waste; 2) review permits are under assessment; and, 3) hold hazardous waste training to part E of the BP. The record did not have a date of correction when either a re-inspection was conducted or in a Return to Compliance Certificate submitted.	Supervision will coordinate with staff on a monthly basis and ensure staff follow-up appropriately to ensure follow-up on violations to achieve compliance and appropriately document return to compliance. Documentation of the compliance, i.e., signature of business, will be noted into file.
6	The CUPA did not appropriately classify a	The CUPA will initiate the appropriate enforcement action for this inspection within

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	Hazardous Waste violation during the HWG oversight inspection conducted on May 26, 2005 at the Marion Medical Center. While the CUPA appropriately cited illegal storage of hazardous waste, the classification is not consistent with the definitions of minor, Class II, and Class I violations. Pursuant to Health and Safety Code, Sections 25110.8.5 and 25117.6, Title 22 Section 66260.10, and DTSC Enforcement Response Policy EO-02-003-PP, the illegal storage of a hazardous waste is a Class I violation not a Class II violation as classified by the CUPA inspector during the inspection.	the 135 days from the date of inspection.
7	The CUPA is not ensuring that businesses are updating or submitting annual Permit by Rule notifications. Additionally the CUPA is not taking any enforcement at those businesses that fail to submit such information.	By January 1, 2006, the CUPA will begin requesting annual PBR renewals.

CUPA Representative

(Print Name)

(Signature)

Evaluation Team Leader

(Print Name)

(Signature)

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

1. **Observation:** The CUPA is nearly complete in their revision to the Unified Program Inspection and Enforcement Plan. They are closely coordinating with County Counsel and the District Attorney to finalize their enforcement process. In the mean time, the CUPA has initiated several formal enforcement actions, both civil and criminal referrals to the County District Attorney.

Recommendation: Continue to work to finalize the plan by end of the calendar year and provide training for CUPA and CA inspection staff.

2. **Observation:** After reviewing several inspection reports the following was found: it was not clear whether some inspection report findings were considered recommendations or violations. In some cases, violation citations were not listed. Several violations and corrective actions identified in the inspection reports lacked sufficient detail necessary to establish the elements of a violation and the corrective action to be taken. Violations and

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corrective action language should be clear enough so that a third party can understand. Consent to inspect, taking photos, and sampling are not documented in the CUPA's inspections reports. The date of which a business must return to compliance is inconsistently noted on the inspection report.

Recommendation: Utilize the Inspection Report Writing Guidance document that was developed jointly by the CUPA Form Board and Cal/EPA. Copies can be found on the Cal/EPA Unified Program website.

3. **Observation:** The CUPA and CAs use different inspection reports that have different fields.

Recommendation: Standardize the inspection reports so that all inspectors throughout the CUPA's jurisdiction utilize common report language and citations.

4. **Observation:** The inspection reports reviewed lacked any detailed narrative for the facilities inspected.

Recommendation: Develop the narrative portion of the inspection report so that a reviewer of the report may gain an insight into the type of historical operation occurring out at the site.

5. **Observation:** Inspector made general observations during the oversight inspection conducted on 05/26/05 regarding the labeling of hazardous waste drums.

Recommendation: Observations need to be more specific in naming which drums, at what locations, containing which wastes, lacked hazardous waste labeling.

6. **Observation:** A difference of approximately 269 facilities exists between what the CUPA has reported on the FY 03/04 Inspection Summary Report. The CUPA has reported a total of 1063 HWG facilities and the total number of businesses manifesting off hazardous waste with active EPA ID numbers listed in the Department's Hazardous Waste Tracking System, which is 1332 facilities.

Recommendation: Compare the DTSC and CUPA list of HWG facilities and identify facilities that the CUPA needs to incorporate into their inspection program.

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA's oversight of their CAs has improved greatly. The CA's performance is evaluated by the CUPA every August and the results are included in the CUPA's annual Self-Audit report. In addition, the CUPA and CAs met on a monthly basis to discuss coordination and consolidation.

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2. The CUPA has developed an outstanding “Outreach” program. They have developed a very informative and easily-navigated website for the Unified Program, which includes mandated forms in MSWord and PDF format, clear plain-english instructions, and other guidance materials to assess regulated business compliance. The CUPA publishes a newsletter quarterly that includes timely notification on upcoming due dates and articles to help the public and regulated businesses better understand the hazardous materials and waste program requirements. The CUPA has also conducted several workshops to help educate regulated businesses, including UST Program workshops, auto shop Pollution Prevention workshops, and universal/e-waste presentations.
3. The CUPA takes great pride and exerts great effort to ensure the Unified Program in Santa Barbara County is implemented in a coordinated and consistent manner. The CUPA holds quarterly meetings with their Cooperating Agencies, attends monthly Environmental Task Group meetings, and attends CAER meetings and functions. The CUPA has closely coordinated with the County Planning Department and all the local building and planning departments to identify new businesses to the County that handle hazardous materials or waste. The CUPA also meets with the County District Attorney on a monthly basis to discuss active and potential enforcement actions.
4. The CUPA is working to improve their data management system by archiving information into their electronic data system from their paper files.
5. The CUPA provides on their certification form a section for the business to complete to ensure the business is reviewing and updating the entire business plan at least every three years.
6. The CUPA’s enforcement program has made significant improvements during the last couple of years. The CUPA has been very successful in referring cases to the County DA. They have also recently initiated four AEO actions, which are currently being processed. The Santa Barbara County Fire Department has taken the following formal enforcement actions, it has:

-Referred a civil enforcement case to the Santa Barbara DA’s Office against AT&T Corporation for failure to test and repair an underground storage tank, which was settled for \$122,279.

-Referred a civil enforcement case to the Santa Barbara DA’s Office against McCormix Cardlock for not abiding by the conditions of its underground storage tank permit, not providing employee training in reporting and responding to potential unauthorized release of hazardous materials, and not instituting a system for the clean up and disposal of any absorbent utilized to clean up small gasoline or diesel spills, which was settled for \$27,456.

-Referred a civil enforcement case to the Santa Barbara DA’s Office against MSE Environmental for transporting one container of diphenylmethane diisocyanate, a California hazardous waste, in a vehicle without a hazardous waste manifest, which was settled for \$10,000.

-Referred a civil enforcement case to the Santa Barbara DA’s Office against Venoco, Inc. for the illegal transportation and illegal disposal of hazardous waste (pesticides, urethane chemicals) at unauthorized locations without manifests, which was settled for \$11,450.

-Referred a civil enforcement case to the Santa Barbara DA’s Office against the Raytheon Corporation for failing to comply with applicable regulations regarding the generation, removal, transportation and disposal of hazardous materials, which was settled for \$11,450.

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-Participated in a criminal enforcement case with the United States Attorney's Office for the Central District of California against the Neal Feay Company for the illegal discharge of industrial waste water containing chromium in excess of 400 parts per million into a publicly-owned treatment works operated by the Goleta Sanitary District, which was settled for \$93,000.